

REMARKS

The claims have now been amended to better define the invention. In particular, the independent claims now particularly require that the chute ramp be a stationary member as opposed to a moving member.

The apparatus of Nuhrah et al. '017 is an example of an elevator or jack type apparatus, wherein a mechanism is provided that loads the beverage containers 4 from a receiving compartment 2a into a delivery compartment 2b, and lifts the beverage containers 4 within delivery compartment 2b such that the uppermost container 4 in the vertical stack disposed in delivery compartment 2b is removable through hinged cover 8. The loading and lifting means is a pivoting transfer device 5 having two upwardly curved ends. The forward end of the transfer device 5 disposed in the delivery compartment 2b is joined to the cover 8 by rods 6 and links 7, such that raising the cover 8 also raises the forward end of the transfer device 5 and the stack of containers 4 (see Fig. 3a). Simultaneously, the rear end 5b of the transfer device 5 is lowered, such that the lowermost container 4 in the receiving compartment 2a drops onto the rear end 5b of the transfer device 5. When the cover 8 is closed, the container 4 raised into the delivery compartment remains elevated as the forward end of the transfer device is lowered due to retaining device 9, and the container 4 situated in the rear end 5b of the transfer device 5 rolls forward to the forward end (see Fig. 3). Thus, this device requires multiple connected moving components in order to operate.

Contrary to this structure, the invention at hand is a gravity operated system that uses the weight of a vertically oriented stack of containers to deliver the lowermost container horizontally across the bottom of a cooler, such that the colder containers resident in the main compartment of the cooler will be displaced upwardly. To accomplish this, the bottom of the chute is provided

with a stationary ramp member that diverts the force from vertical to horizontal. In an alternate embodiment, as defined in the dependent claims, there is provided an opposing ramp member that diverts the horizontal flow path of the containers back into a vertical direction.

The independent claims 1 and 17 have been amended to clearly designate that the chute ramp is a stationary ramp, thus clearly distinguishing the invention as claimed from the disclosure of Nuhrah et al. '017, wherein the transfer device is a pivoting member which can only function if it is pivoted between the lifting function and the delivery function. Replacing the stationary ramp of the invention with the pivoting transfer device of Nuhrah et al. '017 would not even produce a functioning device, since in the forward leaning position the transfer device blocks the downward force of the vertical stack, and in the rearward leaning position the containers could not roll forward.

It is therefore respectfully submitted that, in view of amended claims 1 and 17, the rejection under either Section 102 or Section 103 is not valid and all claims should be held allowable.

In addition, there are multiple structural elements claimed in various dependent claims that are not anticipated nor made obvious by Nuhrah et al. '017, alone or in combination with prior art. There is no anticipation, teaching, suggestion or motivation with regard to an opposing stationary ramp member used to divert the flow path direction from horizontal to vertical (claims 3, 18), having a dividing wall define the chute in combination with a wall of the cooler (claims 4, 11, 12), having the ramps(s) be removable (claims 9, 10, 11, 12, 20, 22), having a lid member with a slot to receive the divider wall for storage (claim 13, 27), having a reversing ramp positioned on the wall above the opposing ramp member (claim 15), among other features.

It is respectfully submitted that the claims as amended are patentable, on the basis of the above remarks, and reconsideration and subsequent passage for allowance is hereby requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas C. Saitta", with a stylized flourish at the end.

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